

**FREDERICK COUNTY LIQUOR BOARD**  
***Public Meeting Minutes***  
***Monday, November 4, 2013***

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Those Present: Mr. Dick Zimmerman, Chairman  
Mrs. Maggi Hays, Board Member  
Mr. Rick Stup, Board Member  
Mrs. Linda B. Thall, Sr. Assistant County Attorney  
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector  
Ms. Kathy L. Vahle, Administrator  
Mrs. Sandra Rees, Administrative Specialist IV  
Mrs. Penny Bussard, Administrative Specialist IV

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A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:45 am by Chairman Zimmerman.

1. **VFW** – Ms. Vahle stated this establishment has requested to have an annual Christmas Party with an open bar included with the ticket for two hours, 6PM to 8PM for members only. The Board approved the request.
2. **Wags Restaurant** – Ms. Vahle stated this establishment requested to have a filming company come in to film. They will not be serving food or beverages. The Board approved the request.
3. **Bushwallers** - Ms. Vahle stated this establishment requested to have a private whiskey dinner and will be closed to the general public from 7PM to 10PM on November 19<sup>th</sup>. Ms. Vahle will follow up and email the Board the details.
4. **Lallo's Pizza** – Ms. Vahle stated the establishment has requested to have a DJ or live music every Thursday, Friday and Saturday from 9PM to 2AM and acoustic live music on Thursday through Friday 6PM to 8PM. Complaints have been made concerning the music. Mr. Zimmerman suggested that the Board table the request until after the Board receives additional information.

5. Decision Required: Transfer

**TRANSFER FROM:** RE: Jason Routzahn and Vicki Snyder for the use of JPR Enterprises LLC  
t/a Silver Maple Restaurant & Wine Bar

5018 Old National Pike  
Frederick, MD 21702  
Class B, On Sale, Beer, Wine & Liquor

**TRANSFER TO:**

RE: Steven Acup, Roger Fields  
and Jason Routzahn  
for the use of Brewhouse LLC  
t/a Brew'd Pub & Restaurant  
5018 Old National Pike  
Frederick, MD 21702  
Class B, On Sale, Beer, Wine & Liquor

Ms. Vahle swore in the applicants (See attached Sign In Sheet).  
Inspector DeLauter stated they are compliant.

**MOTION:** Mrs. Hays made a motion for approval of the  
transfer.

**SECOND:** Mr. Stup seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the  
motion.

**VOTE:** Mrs. Hays – Aye  
Mr. Stup - Aye  
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

6. Decision Required: New

RE: Erik Scheidhauer and H. Jill  
Scheidhauer  
for the use of  
AR Jackson of Frederick, LLC  
t/a The Lodge of Frederick  
5100 Buckeystown Pike  
St. 174 & 178  
Frederick, MD 21704  
Class B, On Sale, Beer, Wine and Liquor

Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Zoning, the Occupancy permit, the Fire Marshal, the Health Department, corrected Retail Sales Tax license, Worker's Comp and the Inspector's report. Mr. and Mrs. Scheidhauer were on the license for the Beef O' Bradys that was issued on November 18<sup>th</sup>, 2005. A violation for failure to pick up the renewal on time June 21, 2008 and paid a \$50 fine. The licensee stated they were waiting for a fireplace to be installed and it will be in on November 8<sup>th</sup> and everything should be completed by November 14, 2013.

**MOTION:** Mr. Stup made a motion for a conditional approval until December 2, 2013.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Stup – Aye  
Mrs. Hays - Aye  
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

7. Decision Required: New

RE: Paul Florimbio, Derek Bendit  
and David Clark for the use  
of Frederick Fraternal Order  
of the Orioles Nest 331  
t/a Frederick Fraternal  
Order of the Orioles Nest 331  
1037 A West Patrick St.  
Frederick, MD 21702

Class C, On Sale, Beer, Wine & Liquor

Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Occupancy Permit, the Fire Marshal, the Retail Sales Tax license, Alcohol Awareness. The licensee stated all permits are approved. Inspector DeLauter stated they are compliant.

**MOTION:** Mr. Stup made a motion for a conditional approval until December 2, 2013.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Stup – Aye  
Mrs. Hays - Aye  
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

8. Decision Required: Violation

RE: Charles L. Kidd III  
for the use of Canal Bar  
& Grill, Inc  
t/a Canal Bar & Grill  
49 S Market Street  
Frederick, Maryland 21701  
Class B, On Sale, Beer, Wine & Liquor  
License Number 11BL 1269  
FCLB Case Number: 6749

The Board held a violation hearing for the charge of allowing patrons to consume alcoholic beverages after 2AM. Mr. Kidd pled guilty to the charge. Mrs. Thall swore in the witnesses (See attached Sign In Sheet). Mr. Kidd stated he was not there during the incident and that he was told there were empty beer bottles on the bar. Ms. Vahle stated the license was issued on July 9, 2003 but originally it was a Beer and Wine license in 1990. In June 20, 1992 there was a gambling charge and \$100 fine was paid. May 1, 1997 there was a late renewal \$25 was paid. July 11, 2001 there was a sales to minors a \$200 fine paid also a Failure to Appear at the Hearing with a \$300 fine and 30 day suspension of license suspended with a 6 month probation. August 2, 2010 Failure to seat 50 persons at tables and a fine of \$500.

**MOTION ONE:** Mrs. Hays made a motion for a \$500 fine.

Mr. Stup suggested a \$500 fine for each person drinking alcohol after 2 AM for a total of \$1,000.

Mrs. Hays amended her motion for a \$500 fine for each person drinking alcohol after 2 AM for a total of \$1,000.

**SECOND:** Mr. Stup seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mrs. Hays – Aye  
Mr. Stup - Aye  
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

9. Decision Required: Violation

RE: Thomas E. Miller  
for the use of TMI Auto  
Liquidators, LLC  
t/a Guido's  
543 North Market Street  
Frederick, Maryland 21701  
Class B, On Sale, Beer, Wine & Liquor  
License Number 11BL 1174  
FCLB: 6751

The Board held a violation hearing for the charge of allowing patrons to consume alcoholic beverages after 2AM. Mrs. Thall swore in the witnesses (See attached Sign In Sheet). Mr. Miller pled not guilty to the charge. Mr. Miller stated that there was a problem in the checking out of patrons. Findings of Fact: Were there patrons inside the premises after 2AM on Sunday, December 9, 2012? The Board agreed that there were. Did one or more patrons consume alcoholic beverages after 2AM on that date? The Board agreed that they did. Did the licensee or an employee knowingly permit the consumption of the alcoholic beverages after 2AM on that date? The Board did not agree that this was the case. Was there a violation of Article 2B? The Board found that there was a violation. The Board also found a violation of Section 5.13 of the Board's Regulations. Ms. Vahle stated the original license was issued September 2, 2009 and transferred on February 29, 2012. July 28, 2011 file the renewal late paid a \$400 fine. August 26, 2011 failed to notify the Board of a change of address of a licensee and were

given a written warning. September 24, 2012 they served to an intoxicated person but charges were dismissed. March 9, 2013 they failed to notify the Board of a change of hours and they were given a written warning.

**MOTION ONE:** Mrs. Hays made a motion for a \$1,000 fine.

**SECOND:** Mr. Stup seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mrs. Hays – Aye  
Mr. Stup - Aye  
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

10. Decision Required: Violation

RE: Joseph Szekeres and Patti  
Labbe for use of Sal  
Enterprises Inc.  
t/a Hard Time Café  
1003 West Patrick Street  
Frederick, MD 21702  
Class B, On Sale, Beer, Wine & Liquor  
License Number 11BL 1246  
FCLB Case Number: 6760

The Board held a violation hearing for the charge of allowing patrons outside to consume alcoholic beverages. Mrs. Thall swore in the witnesses (See attached Sign In Sheet). Mr. Szekeres pled guilty to the charge and stated there had been a party of 150 people from another area that night they did not know the laws. His staff is aware of the liquor laws. They have taken steps to be careful of this in the future including posting signs and retaining staff to watch the doors closer.

**MOTION ONE:** Mr. Stup made a motion for a \$250 fine for each person but due to their record will suspend the fine.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Stup – Aye  
Mrs. Hays - Aye  
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

11. **Terrace Lanes** – Mr. Lyons, General Manager, discussed with the Board expanding into part of the former Lucas McCain's Restaurant and to rearrange the bowling alley to make it more efficient within the next two to five years. They will be expanding 18 feet into the space. The Board supported the expansion and asked for a written request when they are ready to start the project.
12. Decision Required: approval of the Public Meeting Minutes for September 30, 2013.

**MOTION:** Mr. Stup made a motion to approve the Public Meeting Minutes for September 30, 2013.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mrs. Hays - Aye  
Mr. Stup - Aye  
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**  
**(Motion Passed)**

**ADJOURN**

The meeting was adjourned at 10:06 am.

Respectfully submitted,

Kathy Vahle, Administrator  
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees